

Comm Secy

STATE ADMINISTRATION

Exhibit No. 10

Date 1/28/09

Bill No. SB243

SB 243 Const. Amend. For Majority Vote in General Election
Senate State Administration, RM
January 28, 2009 @ 3 PM
Secretary Linda McCulloch's Testimony

Good afternoon Mr. Chair, members of the committee.
For the record, I am Montana Secretary of State Linda McCulloch.

I am here today to respectfully oppose Senate Bill 243.

For timing purposes, I have simplified my concerns down to a list of three major issues.

For starters, this proposal would have a significant fiscal impact on county governments and the Secretary of State's Office.

Runoff elections are expensive and confusing.

Runoff elections could double - and in some cases, could triple expenses, if more than one runoff is required.

Runoffs add more work and added costs to the local election officials and Clerks and Recorders as well as my office.

Secondly, this bill is vague and does not adequately explain how a majority of votes in a general election would be accomplished if no candidate receives the majority.

Would there be a separate runoff election after the general election?
What if no candidate received a majority in the runoff election?
Would there need to be another runoff election, or would no candidate be declared elected? Does "majority" mean a majority from the general election voter numbers, or from the runoff election numbers?

It also likely decreases voter turnout, because people are required to either return to the polls a second time or quickly mail-in additional absentee ballots.

Since a runoff election would need to be held fairly soon after the original election, would that allow enough time for absentee voters or members of the military to receive and return their ballots?

Third and finally, this bill has the potential to lead to undemocratic election results due to the possibility of multiple-round elections and low voter turnout.

If a runoff system is used, voter turnout is lower in the runoff because there is usually only one race, the race is usually a low-profile race, and voters are required to return to the polls after election day to vote on one race.

Theoretically, a "winner" in a runoff election may not get a majority of the votes if using voter turnout from the general election, but might get a majority of the votes in the smaller runoff election only, thus not really ensuring that the candidate elected got the majority of the votes from the original election. In effect, the runoff "winner" might get less votes than either candidate achieved in the original election.

In addition, this process dilutes third parties.

As the chief elections official, it is my duty to ensure elections in Montana accurately reflect the will of the people.

In my opinion, this bill would turn Montana's simple, fair and accurate elections process into a complicated, questionable process.

I cannot support a bill that leaves so many important questions unanswered and disenfranchises voters. I urge you to oppose Senate Bill 243.

Thank you for your time.